



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/733,400

12/12/2003

Shuji Ono

3562-0132P

9114

2292 7590 01/29/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KUCAB, JAMIE R

ART UNIT

PAPER NUMBER

3621

NOTIFICATION DATE

DELIVERY MODE

01/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/733,400

Applicant(s)

ONO, SHUJI

Examiner

Jamie Kucab

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Applicants' response filed December 7, 2007 is acknowledged.
2. Claims 1-11 are pending in the application.
3. This Office action is given Paper No. 20080105 for reference purposes only.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener et al. (6,070,141) in view of Wheeler et al. (US 2003/0014372 A1).
6. Regarding claim 8, Houvener et al. discloses an authentication system including:
 - a plurality of articles (identification information units, col. 11 lines 45-48) for authentication carried by a right person and used to certify the right person;
and
 - an authentication apparatus (point of identification terminal 1 and database server 16) for performing an authentication process, wherein

- said each article for authentication holds different authentication information (the account number of col. 5 line 45 and the user identification number of col. 10 lines 28-31),
 - said authentication apparatus includes a personal authentication unit (database server 16) for receiving the plurality of authentication information held by said plurality of articles for authentication and certifying the personal himself using the received plurality of authentication information (col. 10 lines 56-62).
7. However, Houvener et al. fail to explicitly disclose that said plurality of articles for authentication are physically attached to a plurality of portable articles carried by said right person.
8. Wheeler et al. teach an article for authentication (computer chip 50, ¶262) that is physically attached to a portable article customarily carried by a right person (IC card, PDA, cell phone, PC, ¶262).
9. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the articles of authentication of Houvener et al. by the technique of attachment to a portable article as taught by Wheeler et al., because this technique was recognized as part of the ordinary capabilities of one skilled in the art and would have achieved the predictable result of providing convenient portable authentication.
10. Regarding claim 10, Houvener et al. further disclose:
- wherein one of said articles for authentication includes an authentication key generating unit (col. 10 lines 29-33) for receiving said authentication

information held by that article for authentication from the other articles for authentication, and generating an authentication key (the user identification number of col. 10 lines 28-31) for the personal authentication based upon the received authentication information and the authentication information held by that article for authentication in advance,

- said personal authentication unit of said authentication apparatus receives said authentication key from said article for authentication that has generated said authentication key, and certifies the right person using said authentication key (col. 10 lines 56-62).

11. Regarding claim 11, Houvener et al. further disclose:

- wherein said article for authentication generates a decoding key (the PIN of col. 10 lines 28-31) for decoding an encoded information using said authentication key (135),
- said personal authentication unit performs a decoding process using said decoding key (130).

12. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener et al. (6,070,141) in view of Forslund (6,250,597) and further in view of Wheeler et al. (US 2003/0014372 A1).

13. Regarding claims 1 and 9, Houvener et al. disclose an authentication apparatus for performing a personal authentication process, comprising:

- an authentication information receiving unit (1) for receiving an authentication information (col. 11 lines 57-58 and col. 11 lines 65-66) held by each of a plurality of articles (col. 11 lines 45-48) for authentication from each of the plurality of articles for authentication carried by a right person; and
- a personal authentication unit (16) for performing the personal authentication process using the plurality of authentication information received by said authentication information receiving unit.

14. However, Houvener et al. fail to explicitly disclose that at least one of the articles for authentication communicates with the authentication information receiving unit by radio. Forslund et al. teach articles for authentication (smart card 25) that communicates with an authentication information receiving unit (mobile phone 14) by radio (radio link 13). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the articles of authentication and authentication information receiving unit of Houvener et al. to include the radio communication capability of Forslund et al. in order to allow authentication without physical contact between the articles of authentication and authentication information receiving unit (col. 4 lines 63-65).

15. However, Houvener/Forslund fail to explicitly disclose that said plurality of articles for authentication are physically attached to a plurality of portable articles carried by said right person.

16. Wheeler et al. teach an article for authentication (computer chip 50, ¶262) that is physically attached to a portable article customarily carried by a right person (IC card, PDA, cell phone, PC, ¶262).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the articles of authentication of Houvener/Forslund by the technique of attachment to a portable article as taught by Wheeler et al., because this technique was recognized as part of the ordinary capabilities of one skilled in the art and would have achieved the predictable result of providing convenient portable authentication.

18. Regarding claim 2, Houvener et al. disclose the authentication apparatus further comprising an authentication information holding unit (19) for previously holding weight coefficients (215 and col. 11 lines 38-39) showing weights of the authentication information in response to each of the plurality of authentication information (250), said personal authentication unit acquires the weight coefficient corresponding to the received authentication information from said authentication information holding unit (245), and certifies the right person when a sum of the acquired weight coefficients is greater than a predetermined reference value (col. 7 lines 11-14).

19. Regarding claim 3, Houvener et al. further disclose that said personal authentication unit decides differently said reference value according to an object of the personal authentication (col. 7 lines 20-24).

20. Regarding claim 4, Houvener et al. further disclose that said personal authentication unit certifies the right person when the value of the received

authentication information is more than the predetermined reference number (col. 7 lines 11-14 and col. 8 lines 49-51).

21. Regarding claim 5, Houvener et al. further disclose that said personal authentication unit decides said reference number according to an object of the personal authentication (col. 7 lines 20-24).

22. Regarding claim 6, Houvener et al. further disclose that one of the plurality of articles for authentication holds an identification information identifying the right person as said authentication information (col. 9. lines 36-39).

23. Regarding claim 7, Houvener et al. further disclose that the plurality of articles for authentication includes a main article (col. 9 lines 62-64) and a plurality of assistant articles (col. 9 lines 62-64), said plurality of assistant articles holds the same authentication information, said personal authentication unit certifies the right person when receiving said authentication information from said main article and said authentication information from any one of said assistant articles (col. 9 lines 62-64).

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. References considered pertinent to Applicant(s)' disclosure are listed on form PTO-892. All references listed on form PTO-892 are cited in their entirety.

27. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jamie Kucab whose telephone number is 571-270-3025. The examiner can normally be reached on Monday-Friday 9:30am-6:00pm EST.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

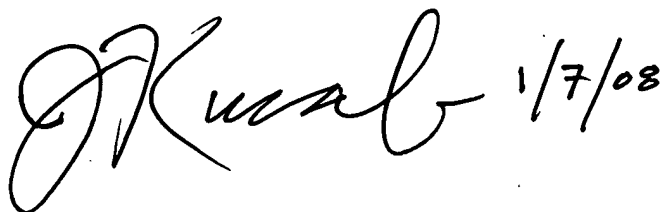
Application/Control Number: 10/733,400

Page 9

Art Unit: 3621

Paper No. 20080105

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "J Kucab", followed by the date "1/7/08".

Jamie Kucab
Patent Examiner
Art Unit 3621